



Lightning—

It's apt to be dangerous, a sudden lightning of your clothing.

Best to taper off with a light overcoat first, then a light suit.

Light overcoats; \$15 to \$35.

Light suits; \$16 to \$38.

ROGERS, PEET & COMPANY.

Three Broadway Stores.

258 842 1260
at at at
Warren st. 13th st. 32nd st.

THE NAME OF VERMILYE & CO.

RIGHT TO USE HELD TO EXPIRE
WITH PARTNERSHIP.

Judge Parker's Argument That No Injunction Should Be Granted Pending Suit to Determine if the Good Will is a Salable Asset Does Not Prevail.

Supreme Court Justice Blachoff granted yesterday to William A. Rogers partners in the banking firm of Vermilye & Co. from using the firm name after the partnership is wound up at the close of this month.

When the firm was dissolved, on Jan. 11 last, Donald Mackay, Latham A. Fish, George A. Mackay and George T. Hollister proposed to form a new firm with the old name after March 31. The remaining partners, Mr. Read and Arthur S. Fairchild, declared themselves opposed to any use of the name unless they were remunerated for it. The Mackays and Mr. Fish contended that under the original partnership agreement no member of the firm could claim compensation for his interest in the firm name, and argued that all interest in it died with the partnership.

Mr. Read then applied for an injunction, regardless of another suit now pending for a judicial determination of the partnership accounts, in which it will be decided whether the good will is a salable asset.

Alton B. Parker appeared for the defendants and argued that no disposition ought to be made of the injunction motion until the accounting suit should be decided. Justice Blachoff thinks that the injunction has priority.

In a long opinion, Justice Blachoff reviews the rights of partners in a firm name. He holds that where the name has come to indicate rather the quality or nature of the goods sold than the personality of the partners the name may go with the good will and be sold as a part of it. On the other hand, where, as in banking and similar institutions, the business itself is largely dependent for success on the personality of the firm members, a different aspect is presented.

Yermilye & Co., the business name of this partnership, is the symbol used to denote the personal integrity and business qualities of the present partners, the parties to the action, and this symbol cannot be detached from the personnel of the partnership and sold as an asset with the good will, as the case there must be incorporated into the articles of a dependent upon the personal attribute of the members of the firm and the confidence of the public.

While it is my conclusion that the plaintiff cannot eventually succeed upon his prayer for a sale of the firm name to the highest bidder, still an injunction should issue to prevent the defendants' unauthorized use of the name at against the plaintiff after this partnership comes to an end.

GATES NOT TO RETIRE.

Denies That He Has Any Intention of Quitting Active Business.

CHICAGO, March 23.—John W. Gates, upon his arrival at Chicago-to-day, denied absolutely the story that he had given up or intended to give up active participation in business.

"My health is good," replied Mr. Gates, when asked concerning the rumor that he was not in such physical condition as would permit his continuing in business. "It is better than it has been for several years. This trip has done me good physically and I am rested and ready to go to work and am going to get to work at once."

Mr. Gates arrived in Chicago after six weeks spent in California and Mexico, where he went for rest and recreation. He left immediately for St. Charles, Ill., to visit his mother and father. He will leave to-morrow morning for New York.

BANK DEAL IN BROOKLYN.

The Shyvesant Secures Control of the Union Bank.

President David A. Sullivan of the Shyvesant Bank in Brooklyn announced yesterday that that institution had secured control of the Union Bank and that both would be merged under the name of the Union Bank. The price was \$215 per share, or about 50 points over the present market value. Mr. Sullivan will take control of the Union Bank next week. The deal will result in the retirement of ex-Senator Stephen A. Griswold, president of the Union Bank. With this exception the entire working force of the Union will be retained.

Propose New Smelter Combination.

Henry C. Davis of the brokerage firm of A. A. Housman & Co. and Bernard M. Baruch, who has been active in building American Smelting and Refining stock in late, have just returned from the Pacific Coast, where they looked over three smelters with a view to forming a new smelter combination. The properties negotiated for are the Selby, a gold refining plant; the Tacoma, and the Everett. The name and capital of the new combination are yet to be decided upon, and an announcement is looked for within a few weeks.

It is proposed to go very largely into the copper refining business, and a contract has already been secured for 8,000 tons of refined copper for China.

Knifed Over a Cigarette.

A half grown boy asked James Hasset for a cigarette in 74th avenue last night, and when it was refused struck a large jackknife into Hasset's stomach and ran away. Hasset is in Roosevelt Hospital in a critical state.

Change—

That faithful old Derby for a fresh hat of Spring shape. Derbies; \$3, \$4 and \$6. Soft hats; \$3.50 to \$8.

Those downtrodden high shoes for lighter shapely Ox-fords.

\$3.50 and \$5.

ROGERS, PEET & COMPANY.

Three Broadway Stores.

258 842 1260
opposite near opposite
City Hall Union Square Greeley Square.

Individual Style

has been put into our entire stock of Spring Suits.

The general lines of approved models have been followed, but the subtle skill of the cutter and the deft shaping of the tailor have given character and smartness not commonly found.

The distinctive effect is easy to see.

Our Suits all have it. Single & Double-breasted Suits, \$15 to \$30. Spring Overcoats, \$15 to \$30.

Hackett, Carhart & Co.

Three Broadway Stores.

258 842 1260
opposite near opposite
City Hall Union Square Greeley Square.

FIND ANOTHER BULGED WALL.

BUILDING IN 140TH STREET ORDERED SHORED UP.

Borough President Ahearn Expects to Have a Talk With Hopper To-day About Things—Suggestions for Altering the System of Inspecting Buildings.

Another unsafe building was discovered yesterday in the West Harlem district, where so many cheap flat houses were rushed up in the severe weather of last winter, and all work on it was ordered stopped.

The building is a six-story double apartment in 140th street 110 feet east of Lenox avenue. Its construction was begun in the early part of last December and from that time until March 20, when it was suspended, Inspector Auld had made twenty-four inspections of the job without discovering a single violation.

Yesterday Inspector George E. Nurge visited the building, which is practically finished, and reported that the rear and east gable stone foundation walls for a distance of about ten feet were bulged, cracked and otherwise defective. He reported the structure to be in an unsafe and dangerous condition and the contractors were ordered to shore it up until the weak spots can be repaired. The owners are August Ruff and A. Hochster of 93 West 120th street. Borough President Ahearn is of the opinion that legislation is needed to compel architects and builders to be more careful. Chief Inspector Gorman said yesterday that the only way would be to license them. Each architect, he said, should be compelled to have a superintendent on every building which he made plans, and his license should be revoked if the work was not properly done.

Since buildings began to fall last Sunday President Ahearn has received many complaints by mail of structures alleged to be in danger of tumbling down. Each complaint has been investigated, even those contained in anonymous communications, but thus far none of the buildings complained of has been found to be unsafe.

"We don't want to wait until there is a loss of life," said Mr. Ahearn yesterday. "I have instructed the building bureau and I shall personally instruct Supt. Hopper when he returns that in the case of any building against which formal complaint is made the tenants shall be ordered out until a rigid investigation can be made. If the examination reveals that the complaint is well founded the building will be razed. I would sooner have the city responsible for a single life lost through any want of care in any of the bureau's work than have jurisdiction. I expect Mr. Hopper here to-morrow."

Mr. Ahearn thinks that the city should be divided into six inspection districts, with a competent engineer at the head of each, to whom the inspectors in each should report and who should be responsible for the work of his subordinates. In this way, he says, the responsibility for proper and thorough inspection could be fixed. Chief Inspector Gorman admitted yesterday that under the present system there was no way of finding out whether the inspectors were doing their work properly or not. They simply leave their notebooks at the bureau's main office, and these are copied into the records by a clerk. Mr. Gorman said that it would be a physical impossibility for the officials over the inspectors to follow them around to find out whether they did their work or not.

MANHOLE COVER GOES SKYWARD.

People Near Edison Station Jarred—Fire Put Out Without Water.

The residents of West Eighty-fourth street between Amsterdam and Columbus avenues were badly frightened yesterday by a loud explosion which came from a large manhole in the middle of the block. The Edison Electric Company has a substation at 211 West Eighty-fourth street, and the manhole is situated right in front of it. It affords access to the electric conduits.

The explosion flung the cover high in the air. A fire alarm was sounded and engines from West Seventy-seventh and Eighty-third streets responded. They were not allowed to throw any water on the flames which spouted from the hole, owing to the electric current. The fire was extinguished with sand and dirt.

It is believed that escaping gas ignited by an electric spark caused the explosion.

Store Closed at 5:30 o'Clock. Store Closed at 5:30 o'Clock.

De Wanamaker Store



An Unusual Sale of Men's Derby and Soft Hats At Two Dollars Each.

Derbies are \$3.50 and \$5 Qualities
Soft Hats are \$3.50 and \$5 Qualities;
And Some as High as \$8.

SINCE the Wanamaker hat business was inaugurated, something over two years ago, we have never offered a worthier or more stirring presentation than is ready today.

The maker of the finest hats in this country has given over to us his entire line of Spring samples of Derbies and Soft Hats. Every hat in the collection is guaranteed as to quality. Every hat is this season's design.

Every Derby and Soft Hat in the line—no matter how conservative or ultra—is stamped with the individuality and distinctiveness which characterize this famous manufacturer's products.

We are chosen to offer these hats for the simple business reason that we are the largest buyers in the country of this high-grade maker's goods.

The Derbies are in black, and the new shades of brown. This season's shapes in variety. For men of all ages and heads. The D'Orsay curl brim is well represented—and makes an exceedingly smart hat for young fellows.

In Soft Hats the styles are also of this Spring. In shades of pearl, fawn, new shades of brown, and black.

Fine, and soft-feeling; for dress, or outing wear. Students, and others who affect smart, stylish headgear will be sure to find their liking in this group of Soft Hats.

All \$2 Each

Men's Hat Store, Second floor, Ninth street.

Men's Spring Suits \$15 to \$30

NOW for the pleasant days of Spring. In a very short while—overcoat to Winter wardrobe.

Then what?

Then WANAMAKER'S is ready for you. And splendidly ready. We are immensely pleased with the splendid Suits we have here for the man who is giving thought to his Spring outfit. And what man isn't?

A wide range of fabrics—strictly all-wool, guaranteed. Single or double-breasted; and, in both, the newest whims of Spring style.

Some very handsome plain worsteds in gray effects; also fancy chevrons, at \$15.00 and \$16.50 a suit.

Double-breasted fancy worsted suits, very stylish, at \$18 a suit.

At \$20 and \$22—Single and double-breasted fancy worsted Suits. The most stylish fabric worn this Spring—the kind of cloth that doesn't stretch and get out of shape. Quite a variety to select from.

Higher-priced Suits up to \$30.

Also the handsomest line of English Outing Suits we have shown in a long while. Of gray diagonal and checked worsteds and brown velours, at \$25 to \$35 a suit. Second floor, Fourth ave.

JOHN WANAMAKER

Formerly A. T. Stewart & Co. Broadway, Fourth av., 9th and 10th sts.

BOUNDS, BARKING, INTO SCHOOL.

Queenie Greets Her Little Master and Mistress Affectionately.

Anna and George White, children of George White, Jr., of 116½ Clinton avenue, Jersey City, went into Public School 12, at Crescent avenue and Astor place, for the first time, a few mornings ago. They were introduced to the kindergarten class presided over by Miss Clarke.

As the children left their home holding hands their pet dog, Queenie, sneaked out of the house and followed the trio. She kept in the rear about half a block and seemed to realize that she wasn't wanted.

The dog saw the children disappear into the school building, and trailed after them. She stopped at the door leading to Miss Clarke's room and began to whine. Then she stood on her hind legs and scratched the door with her paws. The teacher cautiously opened the door and Queenie bounded into the classroom, barking with joy at the sight of her two little friends.

The unexpected appearance of the big dog caused a commotion among the children and many of them jumped on their seats.

The little Whites recognized their pet and piped up in unison: "Here, Queenie!" Queenie leaped over a seat and licked her young master's hand. Then she darted off and tried to climb the small mistress's dress. Miss Clarke now took a hand in the game and ordered the dog to leave the room instantly. Unlike Mary's little lamb, Queenie refused to be turned out and up was the dog on her hind legs, playing a well-bred dog in an educational institution. The dog appreciated the fact that she had the center of the stage and she walked around on her hind legs to please the children. She finally stretched herself out on the floor and made herself comfortable until Miss White came in from another classroom and took her out.

At recess the girls and boys gathered around the White children and listened to wonderful tales about Queenie's tricks. She could lie down and roll over, bark once for "Yes" and twice for "No," and could jump rope.

The Whites keep Queenie chained, during school hours now.

Archbishop Back From the Bahamas.

Archbishop Farley, accompanied by his secretary, the Rev. James V. Lewis, returned to New York from the Bahamas yesterday. Father Lewis said that the Archbishop was much pleased with the progress of the Church in the islands. His first official appearance here will be at Father Clancy's funeral in Holy Rosary Church, East 119th street, on Saturday.

Business Troubles.

A creditors' petition in bankruptcy has been filed against the Bureks Cement Company, dissolved, which had offices at Madison avenue and 1st Broadway. George R. Manchester, former secretary of the Republican county committee and afterward secretary of the New York State Canal Commission, was secretary of the company. Albert V. Breit, the treasurer, died suddenly on April 28, 1904, after eating shad roe. The liabilities are estimated at \$25,000.

Schedule in bankruptcy of J. Walter Lebere, stock broker of 42 Broadway, shows liabilities \$118,748 and nominal assets \$10,572. Among the assets are four shares of the Philadelphia, Reading and Delaware Railroad and 118 shares of the United States Brick and Tile Company.

HIS EAR EXHIBIT A.

No Evidence, Says Lawyer, Unless Expert Fits Bitten Piece to His Head.

Samuel Einstein of 66 Montgomery street was arraigned in the Essex Market police court yesterday on a charge of mayhem, preferred by William Dorfman of 66 East Fourth street. Dorfman alleged that on March 14 he and Einstein had a quarrel in the rooms of the Vest Makers' Union, during which Einstein bit off a good portion of one of his ears. He placed in front of the Magistrate, as evidence, a portion of a human ear, preserved in a bottle of alcohol.

"Here is the sure evidence, Judge," he said.

"That is no evidence," said the lawyer for Einstein, "unless some competent medical authority takes that ear in the bottle and sees if it fits the place where Dorfman's ear once was."

The Magistrate adjourned the case until to-day, and Einstein was held in \$1,000 bail.

SIGNORINA GALLIANI SAFE.

Singer Had Been Taking a Week's Rest in Philadelphia.

The anxiety of the Brooklyn police over the fate of Signorina Matilde Galliani, the singer, has been relieved, she having returned safe and sound with her jewels, valued at from \$4,000 to \$5,000, intact, to her home at 61 Gates avenue.

A week ago the police were notified by a member of her household that she had disappeared very mysteriously and in circumstances suggestive of possible foul play. She says there was no reason whatever to make such a fuss over her absence, as she had simply gone to Philadelphia for a brief change of scene and to relieve her mind from her distracting professional cares.

Modern Clothes for Men

SPRING OVERCOATS.

Beauties! An avenue tailor will charge you treble for the same fabrics, style and workmanship and miss the fit entirely. Long, short, medium, all colors, in all EXCLUSIVE cloths, at the same price you pay the other man for "commons."

\$15 to \$35.

Made to our special order by

Alfred Benjamin & Co.

Chandler

& Co. 31 Cortlandt St.



It will write in full sight—yes, in full sight, and it will write more, write better, write easier and keep on doing so longer than any other typewriter.

MONARCH TYPEWRITER CO., 319 Broadway, N. Y.

Factory and General Office: Syracuse, New York.

Browning, King & Co

CLOTHING, FURNISHINGS, AND HATS

TOP COATS & SACKS

It just happens to our credit—and perhaps by fore knowledge—that our Spring Suits lead the Fashion this season.

\$15 to \$35.

Note the length and the broad lapels.

Same in Top Coats.

Hats, Gloves and Furnishings.

"What!" exclaimed Beau Brummell. "An inch or two makes no difference in the length of a coat? Fancy an inch less on your nose."

Broadway at 32d Street



Cooper Square at 5th Street

Fulton Street at DeKalb Avenue, Brooklyn

MRS. EVANS HELD FOR THEFT.

Her Husband's Aunt Insists on Pressing the Charge of Grand Larceny.

Mrs. Florence Evans, the young bride of Lee M. Evans, Jr., whom her father accuses of forgery, was arraigned in the Gates avenue police court yesterday afternoon on the technical charge of vagrancy, on which she has been held for the last ten days, and discharged. She was immediately rearrested and held on the charge of grand larceny made by Mrs. Lee M. Evans, Sr., her husband's aunt, whose determination to press the charge was the result of the refusal of W. T. Springer, father of the prisoner, to withdraw his charge against the husband.

When the young woman was brought into court yesterday her father immediately stepped to her side and spoke for her. When Mrs. Evans, Sr., swept into court and announced her desire to press the complaint of grand larceny, the girl was overcome. Her father gave bail for her appearance.

PIANOS AND ORGANS.

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KRAKAUER PIANOS

CHOICE OF THE MUSIC-LOVING PUBLIC. Reduction of slightly used Krakauer Pianos. Used pianos of other makers, \$100 up. EASY TERMS. PIANOS TO RENT. 118 EAST 14TH ST.

WISSNER

PIANOS SOLD AT MANUFACTURERS' PRICES. \$80 \$100 \$125. Warrooms, 26 E. 14th st., New York. Brooklyn, 124-42 Fulton street.

RELIABLE CONNOR PIANOS

For sale and rent. Easy terms. Catalogue mailed free. 4 East 43d st. SMALL Upright Pianos, powerful tone, for rent. 7 Union St. NEW YORK.

Paderewski and the Steinway Piano



My joy in the grandeur, the power and the ideal beauty of the tone and the perfect mechanism of the Steinway is unbounded. All who play your Pianos can but thank you. I do, and at the same time congratulate you most heartily.

Your very devoted

I. J. Paderewski.

The Steinway Pianos are acknowledged to be the Standard Pianos of the World. Paderewski's recital will take place next Saturday afternoon at Carnegie Hall.

STEINWAY & SONS,

Steinway Hall, 107 and 109 E. 14th St., New York